

DOCKET NO: 202603US2DIV

*EE 4  
JAN 18 2002*

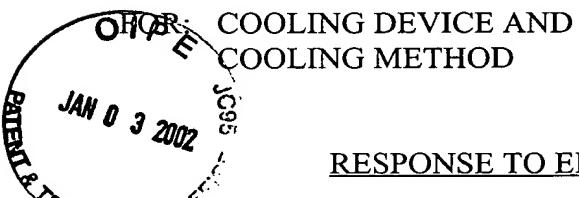
IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

TETSUYA SADA ET AL : GROUP: 3743

SERIAL NO: 09/800,585 : EXAMINER: FORD, J.

FILED: MARCH 8, 2001



RESPONSE TO ELECTION OF SPECIES REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

In response to the Election of Species Requirement dated December 7, 2001, applicants provisionally elect with traverse the fifth species, shown in Figure 14, and list claims 15-17 as readable thereon. Applicants also wish to point out that Figure 14 shows an exemplary cooling method of the present invention.

The Election of Species Requirement asserts that the application contains claims to patentably distinct species of the claimed invention. However, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, applicants respectfully traverse the Election of Species Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the examiner.

RECEIVED  
JAN - 7 2002  
TC 3700 MAIL ROOM

Therefore, it is respectfully requested that the requirement to elect a single disclosed species be withdrawn, and that a full examination on the merits be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Attorney of Record  
Registration No. 25,599  
Robert C. Mattson  
Registration No. 42,850



**22850**

Tel. No.: (703) 413-3000  
Fax No.: (703) 413-2220  
GJM:RCM:djn  
I:\atty\RCM\Prosecution\2312\202603.election.wpd



Docket No.: 202603US2DIV

**OBLON**  
**SPIVAK**  
**McCLELLAND**  
**MAIER**  
**&**  
**NEUSTADT**  
P.C.

ATTORNEYS AT LAW

RECEIVED  
JAN -7 2002  
TC 3700 MAIL ROOM

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

RE: Application Serial No.: 09/800,585  
Applicants: TETSUYA SADA ET AL  
Filing Date: MARCH 8, 2001  
For: COOLING DEVICE AND COOLING METHOD  
Group Art Unit: 3743  
Examiner: FORD, J.

SIR:

Attached hereto for filing are the following papers:

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Gregory J. Maier

Attorney of Record

Registration No. 25,599

Robert C. Mattson

Registration No. 42,850



**22850**

(703) 413-3000 (phone)

(703) 413-2220 (fax)

GJM:RCM:djn

I:\atty\RCM\Prosecution\2312\202603.ptocvr.wpd